

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SANDRA WHITAKER,) Cause No. 1:22-cv-00513
)
 Plaintiff,)
)
 v.)
)
 WALMART STORES EAST, LP,)
)
 Defendant.)

NOTICE OF REMOVAL

Robert B. Thornburg, counsel for defendant, Wal-Mart Stores East, L.P., states:

1. On February 8, 2022, plaintiff filed her Complaint for Damages against defendant Wal-Mart Stores East, LP (incorrectly identified as Walmart Stores East, LP), in the Hamilton County Superior Court No. 3 of Indiana, under Cause No. 29D03-2202-CT-000907.
2. Wal-Mart Stores East, LP, is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company whose sole member is Walmart, Inc. The principal place of business for all entities mentioned is Bentonville, Arkansas. Thus, for diversity purposes Defendant is considered a citizen of the States of Delaware and Arkansas.
3. Plaintiff is a citizen of the State of Indiana.
4. The matter in controversy exceeds \$75,000.00, exclusive of interests and costs as Plaintiff alleges she suffered significant personal injury and restriction of her daily activities due to those injuries. Plaintiff has demanded well in excess of the jurisdictional limit of the court to resolve her claims against the Defendant and was asked to stipulate that the amount in controversy did not exceed \$75,000 and refused. In addition, this action does not arise under the

Workmen's Compensation laws of any state; is not brought against a common carrier or its receivers or trustees; and, does not arise under 45 U.S.C. §§ 51-60. Therefore, this cause is removable to this Court under 28 U.S.C. § 1441(b).

5. This Notice of Removal is being filed with this Court within 30 days after the receipt of the Complaint and Summons by the defendant.

6. Copies of all process, pleadings, and orders served upon petitioner in the state court action are attached hereto. Promptly hereafter, written notice will be given to all adverse parties and to the Clerk of the Hamilton County Superior Court No. 3 of Indiana, that this Petition for Removal is being filed with this Court.

WHEREFORE, defendant prays that the entire state court action, under Cause No. 29D03-2202-CT-000907, now pending in the Hamilton County Superior Court No. 3 of Indiana, be removed to this Court for all further proceedings.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Robert B. Thornburg

Robert B. Thornburg, #19594-02

*Attorneys for Defendant Wal-Mart Stores
East, LP, incorrectly identified and sued as
Walmart Stores East, LP*

CERTIFICATE OF SERVICE

Service of the foregoing was made electronically this 17th day of March, 2022, addressed to:

Daniel Gore, #31322-53
Ken Nunn Law Office
104 South Franklin Road
Bloomington, IN 47404
dgore@kennunn.com
Attorney for Plaintiff

/s/ Robert B. Thornburg

FROST BROWN TODD LLC
201 N Illinois Street, Suite 1900
PO Box 44961
Indianapolis, IN 46244-0961
317-237-3800
Fax: 317-237-3900
rthornburg@fbtlaw.com

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